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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,834

08/17/2006

Fumihiko Fujimoto

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EXAMINER

BLOUIN, MARK S

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,834	<b>Applicant(s)</b> FUJIMOTO ET AL.	
	<b>Examiner</b> MARK BLOUIN	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/17/06,9/27/08,11/09/08</u> .                                | 6) <input type="checkbox"/> Other: ____.                          |

## **Detailed Action**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 is rejected under 35 U.S.C. 102(b) as being anticipated by Inatani et al (US 5,970,041).

3. Regarding Claims 1,9, and 10, Inatani et al shows (Figs. 1-13) a disc autochanger having disc holding members (117 ) able to hold a plurality of discs, a playback part (27) able to be inserted into a separated space of said disk holding members, a table seat member (30) for supporting said disc holding members, an elevator mechanism (14) for raising or lowering said table seat member, and a splitting member (119) inserted at a predetermined position of said disc holding members positioned by said elevator mechanism, said elevator mechanism lowering said table seat member after said splitting member is inserted into said disc holding members so as to separate said disc holding members into disc holding members supported by said splitting member and disc holding members supported by said table seat member and said playback part playing back a disc in the formed separated space.

4. Regarding Claims 2 and 11, Inatani et al shows (Figs. 1-13) a disc autochanger, further provided with a detector (Col, 13, line 42) for making said elevator mechanism shift in an elevation direction to move said disc holding members and detecting at least one shift position for making that movement stop at a position facing said splitting member, a storage unit for

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storing a number of a disk to be played back, and a controller (Col 13, line 36) for controlling the drive of said splitting member and said elevator mechanism in accordance with outputs of said storage unit and said detector.

5. Regarding Claim 3, Inatani et al shows (Figs. 1-13) a disc autochanger, wherein said controller holds a correspondence table (Fig. 13) between at least one shift position to be taken by each of said plurality of discs and said disc numbers.

6. Regarding Claim 4, Inatani et al shows (Figs. 1-13) a disc autochanger, wherein said detector is comprised of a fixed base member and sensor units provided at said fixed base member and connected to said controller, and said sensor units detect said shift positions of said elevator mechanism (Inherent – the controller and detection unit must have a way to communicate in order for thr apparatus to function).

7. Regarding Claim 5, Inatani et al shows (Figs. 1-13) a disc autochanger, wherein said detector is comprised of a base member and sensor units provided at said base member and connected to said controller, said sensor units are arranged at shift positions corresponding to predetermined positions of said elevation direction at which said disc holding member should stop, and said base member can move to the shift positions corresponding to said disc holding members (Inherent – the controller and detection unit must have a way to communicate in order for thr apparatus to function).

8. Regarding Claim 6, Inatani et al shows (Figs. 1-13) a disc autochanger, wherein said storage unit (all elements comprising the holding of disks including disk holder 117) is comprised of a nonvolatile memory storing the number of a disc to be played back.

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9. Regarding Claim 7, Inatani et al shows (Figs. 1-13) a disc autochanger, wherein said storage unit is comprised of a drive mechanism (24) driven based on the output of said controller and a sensor detecting dynamic changes of said drive mechanism and calculates the number of the disc to be played back from the value of the output of said sensor.

10. Regarding Claim 8, Inatani et al shows (Figs. 1-13) a disc autochanger, wherein said disc autochanger records on the discs (201).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is 571-272-7583. The examiner can normally be reached on M-F from 6:00 to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joe Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Blouin/

Primary Examiner of Art Unit 2627

Mark Blouin  
Patent Examiner

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September 29, 2008